

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TYRENCE DENARD DOWNEY,)
Petitioner,) 1:09CR109-1
v.) 1:16CV969
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

The Recommendation of United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) [Doc. #138] and, on March 9, 2023, was served on the parties in this action [Doc. #139]. Petitioner timely filed Objections to the Magistrate Judge's Recommendation. [Doc. #140.]

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the stay in this matter is LIFTED, that Petitioner's motion to vacate, set aside or correct sentence [Doc. #86], as amended, is DENIED for the reasons set forth in the Recommendations filed on March 9, 2023 [Doc. 138] and February 13, 2020 [Doc. #99], that the Government's motion to dismiss is DENIED [Doc. #91] as moot, and that this action is DISMISSED.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of March, 2023.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge